

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Group Art Unit: Unknown

John M. Monnich

Examiner: Unknown

Application No.: NEW

**INFORMATION DISCLOSURE  
STATEMENT**

Filed: HEREWITH

For: SNORKEL WITH IMPROVED  
PURGING SYSTEM121 Spear Street, Suite 290  
San Francisco, CA 94105  
(415) 512-1312

M/S PATENT APPLICATION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Applicant(s) submit(s) herewith patents, publications or other information [attached hereto and listed on the attached Form PTO-1449 (modified)] of which he is aware, which he believe(s) may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR § 1.56.

## This Information Disclosure Statement:

- (a)  accompanies the new patent application submitted herewith. 37 CFR § 1.97(a).
- (b)  is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR § 1.491.
- (c)  as far as is known to the undersigned, is filed before the mailing date of a first Office Action on the merits, or before a first office action after filing a Request for Continued Examination under §1.114.
- (d)  is filed after the first office action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee

(\$180) set forth in 37 CFR § 1.17(p) or a certification as specified in 37 CFR § 1.97(e), as checked below.

(e)  is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and the Issue Fee has not been paid, and is accompanied by the fee (\$130) set forth in 37 CFR § 1.17(i)(1) and a certification as specified in 37 CFR § 1.97(e), as checked below. This document is to be considered as a petition requesting consideration of the information disclosure statement.

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR § 1.97(e) may need to be completed.] The undersigned certifies that:

(f)  Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

(g)  No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 (Modified) is supplied herewith, except as noted below.

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached form PTO-1449 (Modified) are not supplied because they are (a) either U.S. Patents and this an application filed after June 30, 2003, or (b) were previously cited by or submitted to the Office in a prior application nos. 09/999,061, filed October 31, 2001, and 09/229,193, filed January 13, 1999 and relied upon in this application for an earlier filing date under 35 U.S.C. § 120.

A concise explanation of relevance of the items listed on form PTO-1449 (Modified) is:

(k)  not given

(l)  given for each listed item

(m)  given for only non-English language listed item(s) [Required]

(n)  is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references [copy attached].

The Examiner is reminded that a "concise explanation of the relevance" of the submitted items "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP § 609.

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR § 1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR § 1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR § 1.98 and MPEP § 609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

STALLMAN & POLLOCK LLP

Dated: September 26, 2003

By: Kathleen A. Frost  
Kathleen A. Frost  
Reg. No. 37,326

Attorneys for Applicant(s)

INFORMATION DISCLOSURE CITATION (Use several sheets if necessary)		Docket Number (Optional) MONN-310		Application Number NEW	
		Applicant(s) John M. Monnich			
		Filing Date HEREWITH		Group Art Unit Unknown	

### U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	*AA	4,610,246	09/09/1986	Delphia	128	201.11	03/18/1985
	*AB	6,085,744	07/11/2000	Hermansen et al.	128	201.11	11/09/1998
	*AC	5,529,057	06/25/1996	Ferrero et al.	128	201.11	06/07/1995
	*AD	5,664,558	09/09/1997	Wagner	128	201.11	02/29/1996
	*AE	Des. 339,399	09/14/1993	Lin	D21	236	08/15/1991
	*AF	Des. 339,400	09/14/1993	Lin	D21	236	08/15/1991
	*AG	Des. 328,959	08/25/1992	Greatrake et al.	D29	7	01/12/1990
	*AH	Des. 335,322	05/04/1993	Jones	D21	236	08/23/1991
	*AI	3,218,607	11/16/1965	Brock et al.	340	5	12/10/1962
	*AJ	3,268,854	08/23/1966	Sato	340	4	02/07/1964
	*AK	3,292,618	12/20/1966	Davis et al.	128	142	11/18/1963
	*AL	3,451,039	06/17/1969	Epstein et al.	340	5	05/16/1967
	*AM	3,603,306	09/07/1071	Bonin, Jr.	128	145	04/09/1970
	*AN	3,736,551	05/29/1973	Hirsch	340	5	11/16/1970
	*AO	3,789,353	01/29/1974	Hunter et al.	340	5	01/03/1973
	*AP	4,039,999	08/02/1977	Hill	128	145	07/25/1972
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	*AT	4,071,024	01/31/1978	Blanc	128	145	07/30/1976
	*AU	4,230,106	10/28/1980	Geeslin et al.	128	201.11	05/12/1978
	*AV	4,269,182	05/26/1981	Le	128	201.11	11/26/1979
	*AW	4,276,623	06/30/1981	Abbott	367	132	10/17/1979
	*AX	4,278,080	07/14/1981	Schuch	128	201.11	01/15/1979
	*AY	4,380,232	04/19/1983	Doyle	128	201.11	05/14/1981
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	REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	*BB	2 791 948	10/13/2000	France	B 63 C	11/16		X
	*BC	2 723 064	02/02/1996	France	B 63 C	11/16		X
	*BD	WO 91/17916	11/28/1991	EPO	B 63 C	11/16		X

### OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	*BE	"2100 Ball, Check, Gate & Port Valves," Ewing Irrigation Products, Phoenix, Arizona, pp. 66 (advertisement)
	*BF	Finis, Inc., "Fin Swimming for Recreation, Fitness, Swimming Development and Competitions-The Swimmer's Snorkel" Internet Web Site Page <a href="http://www.finis-net.com/snorkel.htm">http://www.finis-net.com/snorkel.htm</a> .
Examiner		Date Considered
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.		

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*EXAMINER INITIAL	REF	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE
*BG	4,782,830	11/08/1988	Forman	128	201.11		11/21/1986
*BH	4,799,263	01/17/1989	Banziger et al.	381	94		03/18/1987
*BI	4,805,610	02/21/1989	Hunt	128	201.11		03/23/1987
*BJ	4,834,084	05/30/1989	Walsh	128	201.11		07/31/1985
*BK	4,877,022	10/31/1989	Christianson	128	201.11		12/30/1988
*BL	4,878,491	11/07/1989	McGilvray, III	128	201.11		09/23/1988
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*BN	4,884,564	12/05/1989	Lamont	128	201.11		07/25/1988
*BO	4,896,664	01/30/1990	Harayama	128	200.25		04/04/1989
*BP	4,928,710	05/29/1990	Campbell	128	861		10/11/1988
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*BT	5,239,990	08/31/1993	Delphia	128	201.11		07/07/1992
*BU	5,261,396	11/16/1993	Faulconer et al.	128	201.11		03/06/1992
*BV	5,267,556	12/07/1993	Feng	128	201.11		02/04/1993
*BW	5,280,785	01/25/1994	Fujima	128	201.11		04/20/1993
*BX	5,404,872	04/11/1995	Choi	128	201.11		07/01/1993
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*BZ	5,487,379	01/30/1996	Koshiishi	128	201.11		11/01/1994
*CA	5,493,079	02/20/1996	Anderson	181	127		08/30/1994
*CB	5,657,746	08/19/1997	Christianson	128	201.11		11/24/1995
*CC	5,671,728	09/30/1997	Winefordner et al.	128	201.11		06/10/1996
*CD	5,697,362	12/16/1997	Albrecht	128	201.11		09/27/1995
*CE	5,845,635	12/08/1998	Hermansen et al.	128	201.11		12/08/1997
*CF	5,865,169	02/02/1999	Lan et al.	128	201.11		01/20/1998
*CG	5,868,129	02/09/1999	Christianson	128	201.11		02/27/1997
*CH	6,129,081	10/10/2000	Wu	128	201.11		11/18/1998
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*CJ	6,302,102	10/16/2001	Giroux et al.	128	201.11		05/03/1999
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*CM	6,516,797	02/11/2003	Chen-Lieh	128	201.11		03/21/2001

### FOREIGN PATENT DOCUMENTS

REF	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

### OTHER DOCUMENTS *(Including Author, Title, Date, Pertinent Pages, Etc.)*


Examiner \_\_\_\_\_ Date Considered \_\_\_\_\_

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP Section 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.